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Fax Cover Sheet


Date: 12 Dec 2008

To: Mr. Ari Zytcer	From: Humera N. Sheikh
Application/Control Number: 09/980,492 / 11/349,969	Art Unit: 1615
Fax No.: 703-683-8396	Phone No.: (571) 272-0604
Voice No.: 703-548-6284	Return Fax No.: (571) 273-0604
Re: Interview Summary Record (PTOL-413)	CC: Humera N. Sheikh

☐ **Urgent** ☒ **For Review** ☐ **For Comment** ☐ **For Reply** ☒ **Per Your Request**

Comments:

Attached please find the interview summary record (PTOL-413), which briefly summarizes our telephonic discussion held on 12/12/08 for application nos. 09/980,492 & 11/349,969. If you have any questions/comments regarding the summary record, please call. Thank you.


HUMERA N. SHEIKH
PRIMARY EXAMINER

Number of pages 5 **including this page**

STATEMENT OF CONFIDENTIALITY

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Interview Summary	Application No.	Applicant(s)	
	09/980,492	DIETRICH ET AL.	
	Examiner	Art Unit	
	Humera N. Sheikh	1615	

All participants (applicant, applicant's representative, PTO personnel):

(1) Humera N. Sheikh. (3)_____.

(2) Ari G. Zytcer. (4)_____.

Date of Interview: 12 December 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: of record.

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Humera N. Sheikh/
Primary Examiner, Art Unit 1615

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative discussed the 112, 1st paragraph rejections of record in the Final Office Action dated 06/24/08. (These similar rejections are also set forth in Application No. 11/349,969). Namely, Applicant indicated that with regards to the first 112 enablement rejection (on pages 2-3 of the Action), Applicant will amend the claims to include language drawn to a "fatty alcohol that is a linear, saturated or unsaturated primary alcohol having 10-30 carbon atoms" in order to overcome this rejection. With regards to the second 112 enablement rejection (on pages 3-4 of the Action), Applicant directed the Examiner to Example 12 on page 15 of the instant specification, which shows a formulation that does not include a 'stearylamine' and a polymer (i.e., povidone). It would appear that the 112, 1st paragraph rejections of record would be overcome based on Applicant's discussion. Examiner indicated that the determination of allowability will be made upon receipt of Applicant's formal response and a detailed review of the record. No further agreement was reached at this time.